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FACSIMILE TRANSMITTAL

TO:

Name: Mail Stop AF
Group Art Unit 3738/Examiner Thomas Barrett

Firm: U.S. Patent & Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 10/669,287

Gary Karlin Michelson

Filed: September 24, 2003

EXPANDABLE PUSH-IN ARCUATE INTERBODY

SPINAL FUSION IMPLANT WITH TAPERED

CONFIGURATION DURING INSERTION

Attorney Docket No. 101.0092-02000

Customer No. 22882

Confirmation No.: 6591

FROM:

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277

No. of Pages (including this): 19


Date: December 8, 2006

Confirmation Copy to Follow: NO

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Transmittal Form (in duplicate; \$1,020.00 total amount to cover the three-month extension fee is to be charged to Deposit Account No. 50-3726), and Amendment After Final are being facsimile transmitted to the U.S. Patent and Trademark Office on December 8, 2006.


Sandra L. Blackmon

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FORM PTO-1083

Attorney Docket No.: 101.0092-02000

Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary Karlin Michelson

Serial No: 10/669,287

Filed: September 24, 2003

For: EXPANDABLE PUSH-IN ARCUATE
INTERBODY SPINAL FUSION IMPLANT
WITH TAPERED CONFIGURATION DURING
INSERTION

Confirmation No.: 6591

Art Unit: 3738

Examiner: Thomas Barrett

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Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an Amendment After Final in reply to the Final Office Action dated December 14, 2005 in the above-identified application.

- ☐ No additional fee is required.
- ☒ Applicant hereby requests a three-month extension of time to respond to the above office action.

The fee has been calculated as shown below:

| | (Col. 1) CLAIMS REMAINING AFTER AMENDMENT | | (Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR | (Col. 3) PRESENT EXTRA* | LG/SM \$ ENTITY FEE | | ADD'L FEE DUE |
|--|---|---|---|-------------------------------|--|-------|------------------|
| TOTAL CLAIMS FEE | 96 | - | 96 | 0 | LG=\$50 SM=\$25 | \$50 | \$ 0 |
| INDEPENDENT CLAIMS FEE | 1 | - | 1 | 0 | LG=\$200 SM=\$100 | \$200 | \$ 0 |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS: | | | | | LARGE ENTITY FEE = \$380 SMALL ENTITY FEE = \$180 | | \$ 0 |
| TOTAL | | | | | | | \$ 0 |

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☒ The total amount of \$1,020.00 to cover the three-month extension of time fee is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. A copy of this sheet is enclosed.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,


MARTIN & FERRARO LLP

12/11/2006 TBESHAH1 00000004 503726 10669287

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1020-00 DA

Date: December 8, 2006

By: 
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Transmittal of Amendment.DOC

**RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3738**

PATENT
Attorney Docket No. 101.0092-02000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 08 2006

| | | |
|---------------------------------|---|--------------------------|
| In re Application of: |) | Confirmation No.: 6591 |
| Gary Karlin Michelson |) | |
| Serial No.: 10/669,287 |) | Group Art Unit: 3738 |
| Filed: September 24, 2003 |) | Examiner: Thomas Barrett |
| For: EXPANDABLE PUSH-IN ARCUATE |) | |
| INTERBODY SPINAL FUSION |) | |
| IMPLANT WITH TAPERED |) | |
| CONFIGURATION DURING |) | |
| INSERTION |) | |

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT AFTER FINAL

In reply to the Final Office Action of June 16, 2006, the period for reply having been extended by a Petition for Extension of Time and fee filed herewith, and pursuant to 37 C.F.R. § 1.116, Applicant proposes that this application be amended as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 14 of this paper.

Amendment After Final 12-08-06.doc